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Attorney(s) for: Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TERRY BOYD WILKINSON and	:	CIVIL ACTION	FILED HARRISBURG, PA
SHARON WILKINSON, h/w	:		
Plaintiff	:		JUL 24 2002
vs.	:	Judge Sylvia H. Rambo	
NORFOLK SOUTHERN CORP., et al.	:	NO. 01-CV-1146	MARY E. D'ANDREA, CLERK Per _____ Deputy Clerk
Defendant	:		

**PLAINTIFFS UNOPPOSED MOTION FOR EXTENSION OF DEADLINE TO  
REPLY TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT**

Plaintiff, by his counsel, respectfully requests that he be given until Friday, August 16, 2002 to reply and oppose the Motion for Summary Judgment filed by the defendant in this case. In support of this Motion, the following is set forth:

1. This case is presently scheduled to be placed on the October 2002 trial list.
2. The Case Management Order, filed on January 30, 2002, required that dispositive motions and supporting briefs be filed by July 15, 2002.
3. Counsel for defendant hand delivered its Motion for Summary Judgment to the Clerk of the Court on July 15, 2002.
4. A copy of said Motion was not received by plaintiff's counsel until Thursday or Friday, July 18<sup>th</sup> or 19<sup>th</sup>.

5. Local Rule of Civil Procedure 7.6 requires that plaintiff's responsive brief, etc., be filed within fifteen days after service of said Motion.

6. Based on the date that the Motion was received by plaintiff's counsel, plaintiffs responsive brief must be filed on either Friday, August 2, 2002 or Monday, August 5, 2002.

7. Plaintiffs counsel will be out of town on a prepaid family vacation that has been planned for the past year, from July 27, 2002 through and including August 9, 2002.

8. During the week between the receipt of the brief and going on vacation, counsel for plaintiff simply will not have sufficient time because of previously scheduled legal activities to respond to defendants Motion.

9. On Monday, July 22, 2002 plaintiff was required to be out of town in Baltimore, Maryland for deposition. Further, prescheduled conferences, etc. have already been scheduled for July 25, 2002 and July 26, 2002.

10. Counsel for plaintiff will first have an opportunity to prepare plaintiff's responsive brief on Monday, August 12, 2002 and respectfully requests that this brief not be due until Friday, August 16, 2002.

11. Counsel for plaintiff has spoken to Craig Staudenmaier, counsel for defendant, who has not objection to this request.

12. The granting of this request will not prejudice the defendant nor should it have any significant impact on the Court and the scheduled trial date of the October 2002 trial pool.

13. The granting of this Motion will promote substantial justice by permitting plaintiff's counsel to have the time to properly and comprehensively respond to the

Motion for Summary Judgment, rather than simply having to rush to prepare the document during the two free days that he has prior to his long-scheduled vacation.

WHEREFORE, plaintiff, through his counsel, respectfully requests that this Honorable Court grant plaintiff until Friday, August 16, 2002 to oppose and reply to the Defendants Motion for Summary Judgement.

Respectfully submitted,

BY:

LAWRENCE A. KATZ  
Counsel for Plaintiff